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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,787	02/15/2002	Franz Niedereeder	NIEDEREDER ET AL-I (PCT)	6094

25889 7590 05/20/2003

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EXAMINER

SHAW, CLIFFORD C

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,787

Applicant(s)

NIEDEREDER ET AL.

Examiner

Clifford C Shaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-69 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 36-69 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1.) The specification is objected to because the description portion of the specification mentions claims by claim number, for example on pages 2-5 of the specification. This is improper, since the content and numbering of claims can change during the prosecution of the case. Indeed, all of the claims mentioned in the written specification have been cancelled by a preliminary amendment. Applicant is to review his specification for instances of claims mentioned by claim number and is to delete the same.

2.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.) Claims 36-41, 43-46, 49-50, 54, 55, 61, 62-64, 66, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al (5,805,442). The Rippey et al. article teaches the use of open architecture standards to connect arc welding cells to the internet for distributed control and monitoring of the welding process (see in particular the discussion at page 3 of the Rippey et al. article). The claims differ from the broad teachings of the Rippey et al. article in specifying the use of an http server associated with the welding device for two-way communication with a primary network. This difference does not patentably distinguish over the prior art. When the artisan of ordinary skill implements the

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broad teaching of the Rippey et al. article to connect a welding system to the internet for monitoring and control purposes, using an open architecture approach, it is considered obvious he will use any well known networking technique for industrial systems. In particular, it would have been obvious to use a networking approach wherein the welding cell included its own http server for communicating with the primary network in view of the teachings of Crater et al that such an approach is advantageous for networking industrial modules (see figure 2 of Crater et al which shows arbitrary networked industrial modules and see figure 1 which shows the use of an http server for each module at element 45; also see the discussion at column 6 in Crater et al).

4.) Claims 42, 53, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al as applied to claims 36-41, 43-46, 49-50, 54, 55, 61, 62-64, 66, and 68 above, and further in view of Hsu (6,002,104). The only aspect of the claims to which the rejection above does not apply is the provision for downloading software modules and particularly software modules written in an object-oriented language or in JAVA. These differences do not patentably distinguish over the prior art. It would have been obvious to have provided the system of the Rippey et al. article with software downloads of JAVA modules in view of the teachings of Hsu that it is advantageous to download JAVA programs to a welding module over the internet (see column 4 lines 1-13 in Hsu). In regard to the claims calling for object oriented modules, since JAVA is an object oriented language, this limitation is satisfied by Hsu.

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5.) Claims 47, 48, 65, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al as applied to claims 36-41, 43-46, 49-50, 54, 55, 61, 62-64, 66, and 68 above, and further in view of Blankenship et al.. The only aspect of the claims to which the rejection above does not apply is the provision for transferring data related to operating supplies over the welding network. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have transferred operating supply data over the network in the Rippey et al. article, the motivation being the teachings of Blankenship et al. that it is advantageous use computerized means to keep track of welding supply inventories for welding cells (see figure 20 and the discussion at column 12, line 47 through column 13, line 20 in Blankenship et al.).

6.) Claims 59 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Rippey et al. article taken with Crater et al as applied to claims 36-41, 43-46, 49-50, 54, 55, 61, 62-64, 66, and 68 above, and further in view of Ohmi et al. (5,981,905). The only aspect of the claims to which the rejection above does not apply is the provision for a wireless data transmission arrangement. This difference does not patentably distinguish over the prior art. It would have been obvious to have used any well known networking hardware in the system of the Rippey et al. article. In particular, it would have been obvious to have used a wireless networking system, the motivation being the teachings of Ohmi et al. that such is advantageous (see figure 3, elements 11 and 14 in Ohmi et al. and the discussion at columns 3 and 4 in Ohmi et al.). In regard to the claimed infrared interface, this is considered an obvious variation over the teachings of Ohmi et al.. In column 4, lines 1-5, the patent to Ohmi et al. suggests the use of any

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well known wire technology. It is considered obvious that this teaching could be implemented with a well known infrared networking approach.

7.) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.) Claim 69 is rejected under 35 U.S.C. 102(b) as being anticipated by Ohmi et al..

Figure 3 of Ohmi et al. discloses a control and/or evaluation device 21 for welding device 20, 1 with a communications interface 11, 14 connecting to a primary network associated with computer 4. Applicant is advised that the claim language “in particular as claimed in claim 36” is considered to be exemplary only and does not impose any particular limitation on the subject matter being claimed. More specifically, claim 69 is NOT dependent on claim 36.

9.) The EPO document no. 463489 is cited to show a networked arc welding system.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

A handwritten signature in black ink, appearing to read 'Clifford C Shaw', with a stylized, flowing script.

Clifford C Shaw
Primary Examiner
Art Unit 1725

May 16, 2003